



EXPRESS MAIL No.: EV 654 896 264 US
Box 1 of 2, Refs. A73-A81, B09-B27; Box 2
of 2. Refs. B28-B43, C123-C239

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Nielsen *et al.*

Confirmation No.: 5726

Serial No.: 10/612,665

Art Unit: 1649

Filed: July 1, 2003

Examiner: Dutt, Aditi

For: RECOMBINANT TISSUE PROTECTIVE
CYTOKINES AND ENCODING NUCLEIC
ACIDS THEREOF FOR THE PROTECTION,
RESTORATION AND ENHANCEMENT OF
RESPONSIVE CELLS, TISSUES AND
ORGANS

Attorney Docket No: 10165-022-999

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER
37 C.F.R. § 1.56 AND §1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 and §1.97 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby invite the Examiner's attention to references A36-A81, B09-B43, and C123-C239 listed on the attached revised form PTO 1449 entitled "List of References Cited by Applicant."

Copies of References A73-A81 and B09-B27 are submitted in Box 1 under Express Mail No. EV654896264US; copies of references B28-B43 and C123-C239 are submitted in Box 2 under Express Mail No. EV654896278US.

Copies of references A36-A72 are not submitted herewith because they are U.S. patents or U.S. patent application publications. Pursuant to 37 C.F.R. § 1.98 (a)(2)(ii), the requirement for providing a copy of each U.S. patent or U.S. patent application publication

07/02/2008 HLE333 00000001 503013 10612665

03 FC:1806 180.00 DA

listed in an Information Disclosure Statement in a patent application, regardless of the filing date of the application, is eliminated.

The U.S. patent application listed as reference A77 is a national stage application of the international patent application listed as reference B35. Therefore, a complete copy of reference B35 is not submitted herewith because it is identical and therefore cumulative to the international patent application publication included with A77. The U.S. patent application listed as reference A79 is a national stage application of the international patent application listed as reference B42. Therefore, a complete copy of reference B42 is not submitted herewith because it is identical and therefore cumulative to the international patent application publication included with A79.

Identification of the listed references is not meant to be construed as an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application.

Applicants respectfully request that the Examiner review the listed references and that the references be made of record in the file history of the application.

Pursuant to 37 C.F.R. § 1.97(c), since this Information Disclosure Statement is being filed after the mailing date of a first Office Action on the merits, but before the mailing date of a final action under 37 C.F.R. § 1.311 or an action that otherwise closes prosecution in this application, it is estimated that a fee of \$180.00 as set forth in 37 C.F.R. § 1.17(p) is due for this submission. Please charge the required fee to Jones Day deposit account no. 50-3013. A duplicate copy of this sheet is enclosed.

Date: June 30, 2008

Respectfully submitted,

Laura A. Coruzzi 30,742
Laura A. Coruzzi (Reg. No.)

By: Eileen E. Falvey 46,097
Eileen E. Falvey (Reg. No.)
JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939

Enclosures



listed in an Information Disclosure Statement in a patent application, regardless of the filing date of the application, is eliminated.

The U.S. patent application listed as reference A77 is a national stage application of the international patent application listed as reference B35. Therefore, a complete copy of reference B35 is not submitted herewith because it is identical and therefore cumulative to the international patent application publication included with A77. The U.S. patent application listed as reference A79 is a national stage application of the international patent application listed as reference B42. Therefore, a complete copy of reference B42 is not submitted herewith because it is identical and therefore cumulative to the international patent application publication included with A79.

Identification of the listed references is not meant to be construed as an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application.

Applicants respectfully request that the Examiner review the listed references and that the references be made of record in the file history of the application.

Pursuant to 37 C.F.R. § 1.97(c), since this Information Disclosure Statement is being filed after the mailing date of a first Office Action on the merits, but before the mailing date of a final action under 37 C.F.R. § 1.311 or an action that otherwise closes prosecution in this application, it is estimated that a fee of \$180.00 as set forth in 37 C.F.R. § 1.17(p) is due for this submission. Please charge the required fee to Jones Day deposit account no. 50-3013. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: June 30, 2008

Laura A. Coruzzi 30,742
Laura A. Coruzzi (Reg. No.)

By: Eileen E. Falvey 46,097
Eileen E. Falvey (Reg. No.)
JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939

Enclosures